

Asbestos Programs Branch Update

Publication No. 18-10948 Volume 9 No. 2 May-August 2002



Notification Fee Update



Jennifer Delk,
Public Information Officer



With the recent inquiries about Administrative Warning Letters and Notices of Violation (NOV) for Failure to Pay the Required Notification Fee(s) within 60 days of Notification, the Notification Section would like to address a few facts:

According to Section 295.61 of the Texas Asbestos Health Protection Rules (TAHPR), the building owner or designee shall remit to the department a fee that is based upon the amount of asbestos that is removed. The invoice for the notification fee will be sent to the owner of the building or designee and the billing address for the invoice will be obtained from the information that is provided on item #3 of the notification form. If arrangements have been made for someone other than the person listed on #3 of the notification to pay the fee, the building owner or designee is still responsible for submitting the fee to the department.

If no asbestos is removed or if the amount of asbestos removed is less than 2 ARUs, only the minimum administrative fee (\$50.00) shall be assessed. If less than the reported amount is removed, a notification amendment should be provided to the department no later than five working days following the completion of the project. This also applies to project cancellations. If you cancel your project in a timely manner (during the reported project time frame you listed under items 16 and/or 17 on the notification form) you will receive an invoice for the administrative fee rather than paying for the reported ARUs.

If the fee has already been paid, refunds will be made, when appropriate, minus a \$50 administrative fee. In order to receive a refund, send in a refund request with your amended notification. A new invoice will be sent to the building owner or designee (listed on item #3 on the notification form)

continued on page 2

In this Edition!

Notification Fee Update.....	page 1
Licensing Fee Update.....	page 3
Rescind and Reissue of Asbestos Regulatory	
Clarification (ARC) 15.....	page 4
ECU Environmental Services, Incorporated Employee	
Pleas Guilty.....	page 4
Formal Comments on Texas Asbestos Health Protection	
Rules.....	page 5
Asbestos Enforcement.....	page 6
Useful Websites.....	page 11
Open Records Requests.....	page 12

Notification Fee Update - continued

which will reflect a new fee based upon the actual amount of asbestos that was removed.

When paying notification fees, please send the coupon provided with your invoice along with your check. If the coupon that was sent with the invoice was lost, please send a copy of the actual invoice with the check. The check should also have the following information written on it: 7C790-178 and your ten-digit notification number (which begins with a 2). (Note: If documentation is needed to send in your payment, please contact the Notification Section (512) 834-6610 or (800) 572-5548 (toll free in Texas) and a copy can be mailed or faxed to you). It is important that you provide this information. The department uses this information to insure that fees are applied to the correct notification. If you are sending in one check for multiple notifications please make sure that you include all of this information on your check (not the check stub, because they are often separated). Send notification fees to: Lockbox-TDH, PO Box 12190, Austin, Texas 78711-2190.

Payment must be received no later than sixty days following notification. After 60 days, the building owner or designee (listed on item #3 on the notification form) will be sent an Administrative Warning letter as a courtesy from the department. The Administrative Warning letter notifies the building owner or designee that

the case will be sent to the Asbestos Enforcement Section for review. Failure to pay the required fee after an invoice has been sent shall be considered a violation and may subject the building owner or designee to administrative penalties as listed in Section 295.70 of the TAHPR. The building owner or designee and his agent may also be subject to criminal penalties if applicable. Once the case has been referred to Enforcement a minimum fine of \$2000.00 will be charged in addition to the notification fee.

If you feel that you have received an administrative warning letter in error or you have a question about an invoice payment, contact the Notification Section, (512) 834-6610 or (800) 572-5548 (toll free in Texas) and provide them with the ten-digit notification number on the letter or invoice (just below the inside address). A Notification technician will then provide you with the information from the database, informing you if your fee has been paid. If the fee has not been paid and you have sent in payment, please provide us with a copy of the cancelled check (front and back), via fax or mail, so we can research the fee. If you pay by electronic payment please provide us with the document number and date of payment.

If you receive a Notice of Violation (NOV) for nonpayment of fees and would like to discuss this action, please contact the Enforcement Section,

(512) 834-6610 or (800) 572-5548 (toll free in Texas) and provide the Enforcement staff with the case number located above the inside address on the NOV. If you wish to schedule an Informal Settlement Conference, please contact Lola Wiederhold (512) 834-6610 or (800) 572-5548 (toll free in Texas) (x2838).



***Send notification forms via regular mail to:**

Asbestos Notification Section
Toxic Substances Control Division
Texas Department of Health
P. O. Box 143538
Austin, Texas 78714-3538

***Note:** Airborne Express will not send mail to the PO Box. They need a physical address. Please use the overnight address when using Airborne Express.

Or overnight to:

Asbestos Notification Section
Toxic Substances Control Division
Texas Department of Health
Exchange Building, Suite N320
8407 Wall Street
Austin, Texas 78754

***Note:** If you use the US Post Office Overnight Mail service your mail will not reach this address. It will be routed to the Main Campus Address.

Licensing Fee Update



Terry Baudoin,
Licensing Administrator



In September 1999, the 76th Legislature amended the Texas asbestos statute to promote timely renewals of licenses by increasing the fees that licensees/registrants who renew late must pay. (See the Texas Asbestos Health Protection Act (TAHPA), art. 4477-3a, Tx. Civ. Stat. Ann. §6(h)-(i)) The Legislature also extended the time for late renewals by providing that a person may renew a license that has been expired more than 90 days but less than one year in §6(i). Prior to this change, a license/registration that had lapsed for more than 180 days could not be renewed and a new license had to be applied for.

Effective immediately, all licensees/registrants are subject to the following requirements:

1. A person whose license has been expired for 90 days or less may renew the license by paying to the department a renewal fee that is equal to 1½ times the normally required renewal fee.
2. A person whose license has been expired for more than 90 days but less than one year may renew the license by paying to the department a renewal fee that is equal to two times the normally required renewal fee.
3. A person whose license has been expired for one year or more may not renew the license. The person may obtain a new license by complying with the requirements and procedures, including the examination requirements, for obtaining an original license.\
4. A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of application may obtain a new license without reexamination. The person must pay to the department a fee that is equal to two times the normally required renewal fee for the license.

Those who submit license/registration renewals without the correct renewal fee will be sent a Notice of Deficiency advising them of the additional required fee. Failure to submit the additional required fee within 90 days of the written Notice of Deficiency will result in the application being denied.

It is important to remember that these increased fees may be avoided by a timely renewal of a license/registration. Timely renewal has another advantage as well. If a license holder makes timely and sufficient application for renewal, the existing license/registration does not expire until the application has been finally determined by the state agency. In other words, if an applicant submits the complete renewal application on time, (s)he can continue to work with the existing/expiring licenses. If (s)he applies late, then the current license/registration expires on the stated expiration date and (s)he is subject to penalties for working without a license.

The asbestos program is in the process of revising its rules to reflect these and other changes, but because the Texas Legislature mandated these renewal provisions, they are effective immediately. If you have any questions, please call me at (512) 834-6610.

Rescind and Reissue of Asbestos Regulatory Clarification No. 15



**Elizabeth Grimsley,
Enforcement Team Leader**

In June 2002, the Asbestos Program rescinded the November 2001 Asbestos Regulatory Clarification (ARC) No. 15. The November 2001 version of ARC – 015 discussed the role of the general contractor in renovation and demolition projects, and limited the responsibilities of the demolition contractor concerning hiring asbestos licensed professionals, and bidding on an asbestos project.

ARC 015 issued in June 2002, readdressed the role of the general contractor and clarified following items:

- General contractors can hire asbestos contractors or consultant/project designers;
- General contractors can solicit and gather bids for asbestos work in a public building;
- General contractors can notify on behalf of the building owner;
- General contractors can pay notification fees; and
- Conflict of interest prohibited by TDH rules.

General contractors include engineers, architects, electricians, plumbers or any other entity that contracts with the owner of a building to perform work.

A more extensive review of the ARC - 015 is recommended, and copies are available on the Asbestos Program web site at www.tdh.state.tx.us/beh/asbestos/arcs.htm.

Guilty Plea in ECU Environmental Services, Incorporated Case

Elizabeth Grimsley, Enforcement Team Leader

In 1999, the Texas Department of Health, Asbestos Program revoked ECU Environmental Services, Incorporated (ECU) training license for three years for providing training certificates to individuals that have not completed the training courses. That same year, the Environmental Protection Agency (EPA) suspended ECU asbestos training courses. On July 3, 2002, Jerry Wayne Carter, employee of ECU voluntarily plead guilty for making false statements in violation of Title 18, United States Code, Section 1001. The maximum penalty is imprisonment for a period of five (5) years and a fine of \$250,000.00.

Formal Comments on Texas Asbestos Health Protection Rules

Todd Wingler,
Asbestos Programs Branch Chief



The Texas Department of Health (TDH), Toxic Substances Control Division, Asbestos Programs Branch, is announcing the beginning of the 30-day formal comment period on the Texas Asbestos Health Protection Rules (TAHPR). The draft TAHPR is located on the Internet at the following locations:

www.tdh.state.tx.us/beh/asbestos

<http://lamb.sos.state.tx.us/texreg/>

Please note that if accessing the above Secretary of State, Texas Registry website (<http://lamb.sos.state.tx.us/texreg/>), scroll to the bottom of the page and click on "text only." From there, click on "current issue." Scroll to the proposed section and look for the Texas Department of Health, Texas Asbestos Health Protection Rules, 25 TAC 295.

Copies of the draft TAHPR can also be obtained by written request to the Asbestos Programs Branch at the following addresses:

Facsimile Number: 512-834-6644
Regular Mail: 1100 West 49th Street, Austin, Texas 78756
Express/Overnight Mail: 8407 Wall Street, Austin, Texas 78754
Electronic Mail: Alyson.Vinsant@tdh.state.tx.us
John.Onyenobi@tdh.state.tx.us

The Asbestos Program will also be holding a public hearing to address the changes to TAHPR. The hearing will be:

December 20, 2002
9:00a.m. – 4:00 p.m.
Texas Department of Health
1100 West 49th Street, Room K-100
Austin, Texas 78756

Please note that this will be the only public hearing concerning comments to the TAHPR.

All comments are due by **January 6, 2003**. Your submissions should include the section(s) you are commenting on, the change you are suggesting, and the reason for suggesting the change. Please submit all comments in writing to John Onyenobi, P.E., Administrator.

Comments may be faxed, e-mailed or sent through regular mail in care of Mr. Onyenobi to any of the above listed addresses. Please identify all correspondence sent in response to this letter with the heading ***Formal Comments on TAHPR***.

TDH would like to thank you in advance for your assistance with the changes to the TAHPR during this formal comment period. If you have any questions, please call the Asbestos Programs Branch at (512) 834-6610 or toll free in Texas at (800) 572-5548.

Asbestos Enforcement

The following entities have been issued an Agreed Order by the Texas Department of Health and have agreed to pay a penalty and/or conduct supplementary asbestos related activities to resolve these enforcement actions:

3D/International Environmental, Incorporated

Date: November 1 and 2, 2001

Location: Memorial Hermann Health Care System, 6411 Fannin, Houston

Citation: Failure to provide professional services to building owner. [25 TAC 295.47(h)]

Ablon, Samuel J.

Date: November 9, 2001

Location: Office building, 4533 Ross Avenue, Dallas

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Alman, Mark

Date: March 11 and 20, 2002

Location: Vacant building, 300 and 304 North LBJ Drive, San Marcos

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

American Asbestos, Incorporated

Date: February 5, 2002

Location: Vacant Wal-Mart, 1045 Mexico Boulevard, Brownsville

Citation: Failure to establish proper containment ventilation; Failure to adequately wet asbestos containing building material (ACBM); Failure to install critical barriers. [25 TAC 295.60(i); 25 TAC 295.60(j)(1); 25 TAC 295.60(b)]

American Association for Respiratory Care

Date: October 29, 2001

Location: American Association for Respiratory Care, 11030 Ables Lane, Dallas

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

AOF DFW Affordable

Date: November 27, 2001

Location: Woodcreek Apartments, 8215 Meadow Road, Dallas

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Atwell, Richard A.

Date: November 8, 2001

Location: Former Texaco Station, 402 East Main Street, Fredericksburg

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR, Part 61, Subpart M, 61.145(b)(1)]

Barton and Evans, Incorporated

Date: January 17, 2002

Location: Sonic Drive-In, 3901 Forest Lane, Garland

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Basic Industries, Incorporated

Date: December 5, 2001

Location: Health Care, 3050 39th Street, Jefferson

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Beard, David

Date: September 5, 2001

Location: Catfish Village, 16192 State Highway 155, Ore City

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Bennett, James Lee

Date: March 8, 2002

Location: Old Fritch Lumber Company, 301 West Broadway, Fritch

Citation: Failure to provide notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Bullet Concrete Materials, Incorporated

Date: January 4, 2002

Location: Gibbons Power Plant, Former Coal Storage Facility, Hwy FM 244, Carlos

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [40 CFR Part 61, Subpart M, §61.145(a); 40 CFR Part 61, Subpart M, 61.145(b)(1)]

C & W Chicken, Incorporated

Date: January 18, 2002

Location: New Chicken Express, 201 Avenue G, Midlothian

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of asbestos related activities. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Capstone San Marcos, Limited-liability Corporation dba CAP Housing, Limited-liability Corporation

Date: October 19, 2001

Location: Single room house, 209 Mill Street; single story house, 101 Mill Street and vacant facility, 113 Mill Street, San Marcos

Citation: Failure to properly remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to provide an amended notification – start date change. [40 CFR Part 61, Subpart M, 61.145(c)(1); 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

Asbestos Enforcement (Continued)

Chan, Hui I.

Date: January 9, 2002

Location: Doctor's Office, 205 North King Street, Seguin

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Centex Investments, Limited

Date: February 8 and 16, 2000

Location: Seville Apartments, 800 Arrangement Way, Temple

Citation: Failure to provide notification of asbestos related activities; Failure to produce inspection report upon request by the department; Failure to remove regulated asbestos-containing material (RACM) prior to demolition or renovation; Failure to acquire valid license as an asbestos abatement contractor; Failure to contract with or employ licensed asbestos professionals; Failure to prepare an abatement project design; Failure to perform air monitoring; Failure to thoroughly wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM); Failure to adequately cover floors and walls within containment; Failure to install critical barriers; Failure to use a decontamination system; Failure to establish proper containment ventilation – no high efficiency particulate air (HEPA) filtration. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1); 25 TAC 295.34(c); 25 TAC 295.34(b)(1) and 40 CFR Part 61, Subpart M, 61.145(c)(1); 25 TAC 295.45(a); 25 TAC 295.34(e); 25 TAC 295.34(g); 25 TAC 295.60(m)(3); 25 TAC 295.60(j)(1),(j)(3) and 40 CFR Part 61, Subpart M, 61.145(c)(3),(c)(6)(1); 25 TAC 295.60(j)(3) and 40 CFR Part 61, Subpart M, 61.150(a)(1)(iii); 25 TAC 295.60(d); 25 TAC 295.60(b); 25 TAC 295.60(e); 25 TAC 295.60(i)]

Certified/LVI Environmental Services, Incorporated

Date: November 1 and 2, 2001

Location: Memorial Herman Health Care Systems, 6411 Fannin, Houston

Citation: Failure to install critical barriers; Failure to maintain on-site records – contract specifications. [25 TAC 295.60(b); 25 TAC 295.62(c)(2)(B)]

Chisom Investment & Management Group, Incorporated

Date: November 8, 2001

Location: Park Row Shopping Center, 711 West Park Row Drive, Arlington

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

CMF Capital Company, Limited-liability Corporation

Date: October 16, 2000

Location: Former McDonald's, 1347 East Court Street, Seguin

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Crawford-Austin Construction Company, Incorporated

Date: March 18, 2002

Location: Mail Plus, 3615 Franklin Avenue, Waco

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Cushenberry, Gloria J. and Cy L.

Date: February 20, 2002

Location: Parkview Apartments, 1320 South Fillmore, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

D & T Contracting, Incorporated

Date: March 1, 2002

Location: UT Medical School Building, 6431 Fannin Street, Houston

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c)]

Droemer Construction, Incorporated

Date: December 5, 2001

Location: Robb Elementary School, 715 Old Carrizo Road, Uvalde

Citation: Failure to follow Resilient Floor Covering Institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

Earl Martin, Incorporated dba Western Environmental Services

Date: December 18, 2001

Location: Texas Christian University – Ed Landreth Hall, 2800 South University, Fort Worth

Citation: Failure to install critical barriers. [25 TAC 295.60(b)]

El Paso Independent School District

Date: July 19, 2001

Location: Houston Elementary School, 2051 Grant Avenue, El Paso

Citation: Failure to properly remove asbestos-containing building materials (ACBM); Failure to adequately wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM). [25 TAC 295.34(a); 25 TAC 295.60(j)(1); 25 TAC 295.60(j)(3)]

Asbestos Enforcement

(Continued)

Euless, City of

Date: January 29, and February 12, 2002
Location: Residential Homes at 751, 753, 755 and 757 North Main Street; 100 Denton Drive; 100 and 101 Tarrant Drive; 100 and 101 Dallas Drive; 100 Travis Drive; 100 Fannin Drive and 100 Falls Drive, Euless

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [40 CFR Part 61, Subpart M, 61.145(a); 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Figueroa, Ivan

Date: January 8, 2002
Location: Old Killeen Cosmetology College, 711 North 8th Street, Killeen
Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Finh, Mark and Cheryl

Date: February 6, 2001
Location: Old Golden China Chinese Restaurant, 2819 West Adams Avenue, Temple
Citation: Failure to properly remove asbestos-containing building materials (ACBM); Failure to provide notification of asbestos related activities; Failure to contract with or employ a licensed asbestos professional. [25 TAC 295.34(a); 25 TAC 295.61(a); 25 TAC 295.34(e)]

Gault, Livie and Pearl

Date: October 18, 2001
Location: Old L. L. Price Elementary School, 229 Gym Street, Taylor
Citation: Failure to provide an amended notification – start date change; Failure to adequately wet regulated asbestos-containing material (RACM); Failure to properly contain regulated asbestos-containing material (RACM). [40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1); 40 CFR Part 61, Subpart M, 61.145(c)(3)(c)(6)(i); 40 CFR Part 61, Subpart M, 61.150(a)(1)(iii)]

Gummelt Children's Trust

Date: November 6 and 7, 2001
Location: Texaco Station, 901 Martin Luther King Jr. Drive, Waco
Citation: Failure to provide a timely notification of demolition. [40 CFR Part, 61, Subpart M, 61.145(b)(1)]

Guzik, Paul C.

Date: February 1, 2002
Location: Lewisville Center, 201 South Mill Street, Suite 101, Lewisville
Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Hakeem Olajuwon Islamic Center, Incorporated

Date: November 17, 2000
Location: Old Franklin Bank Building, 900 Franklin at Main Street, Houston
Citation: Failure to properly remove asbestos-containing material. [25 TAC 294.34(a)]

Houston – Tillotson College

Date: December 7, 2001
Location: Old Administrative Building, 900 Chicon Street, Austin
Citation: Failure to remove regulated asbestos-containing materials (RACM) prior to demolition or renovation; Failure to provide notification of asbestos related activities. [25 TAC 295.34(a); 25 TAC 295.61(a)]

J & J Insulation and Acoustics, Incorporated

Date: October 22, 2001
Location: McKenzie Manor Apartments, 2642 McKenzie Road, Corpus Christi
Citation: Failure to provide an amended notification – stop date change. [25 TAC 295.61(f)]

Jacks, Jon

Date: January 11, 2001
Location: Former Sadler's Gas Station, 905 Highway 259 North, Kilgore
Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.364(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Jam-Ral Industries, Incorporated

Date: January 4, 2002
Location: Planeta MX, 3830 Parkdale, San Antonio
Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

J.D. Abrams Company, Incorporated

Date: June 5, 13, 14 and September 6, 2001
Location: TXDOT Right of Way, J.D. Abrams Job 9910, Highway 183, Austin
Citation: Failure to properly contain regulated asbestos-containing material (RACM). [40 CFR Part 61, Subpart M, 61.150(a)(1)(iii)]

Kilkee Trust

Date: August 18, 1998
Location: Home Depot, 2800 Forest Lane, Dallas
Citation: Failure to pay the required notification fee. [25 TAC 295.61(j)(4)]

Law Engineering and Environmental Services

Date: March 6, 2001
Location: Sanchez Elementary, 2700 Berkley, Houston
Citation: Failure to provide professional services to building owner. [25 TAC 295.47(a) and 25 TAC 295.47(h)]

Asbestos Enforcement

(Continued)

Lienau Reid Partnership

Date: October 29, 2001

Location: O'Reilly Auto Parts, 912 South Georgia, Amarillo

Citation: Failure to properly remove asbestos-containing building material (ACBM); Failure to provide notification of asbestos related activities. [25 TAC 295.61(a); 25 TAC 295.34(a)]

Lodgeco Properties, Incorporated

Date: January 28, 2002

Location: University Tower, 410 South Texas Avenue, College Station

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Long John Silver's, Incorporated

Date: November 6, 2001

Location: Long John Silver's Seafood Shop No. 5096

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Lords Living Ministries, The

Date: November 28, 2001

Location: Total Living Center Nursing Home, 701 North 5th East, Hubbard

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

M.A. Floor Designs, Limited-liability Corporation

Date: November 19, 2001

Location: Grocery Store, 5235 Aldine Mail Road at Highway 59, Houston

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Marquez, Nicolas G.

Date: October 1, 2001

Location: Mary's Restaurant, 601/602 South Treadaway Boulevard, Abilene

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Mehaffey, Linwood C. and Pauline Trust

Date: August 30, 2001

Location: Office building, 213 East Cameron, Rockdale

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Mike Baird, Limited-liability Corporation

Date: February 26, 2001

Location: Commercial Building, 2110 South Western Street, Amarillo

Citation: Failure to properly remove asbestos-containing building material (ACBM); Failure to provide notification of asbestos related activities. [25 TAC 295.34(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Presidio ISD

Date: February 12, 2002

Location: Presidio Elementary School, corner of Bagley Avenue and Market Street, Presidio

Citation: Failure to provide notification of demolition. [25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Professional Services Industries, Incorporated

Date: November 15, 2001

Location: Former church, 4500 Booth Calloway Road, North Richland Hills

Citation: Failure to perform project air monitoring; Failure to monitor sampling pumps. [25 TAC 295.58(i)(2)(A)(B); 25 TAC 295.58(i)(3)(E)]

Ron's One Stop, Incorporated

Date: November 9, 2001

Location: Retail Dive Store and Mayflower Moving Company, 3701 South General Bruce Drive, Temple

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

Scientific Investigation and Instruction Institute

Date: April 4, 2000

Location: Scientific Investigation and Instruction Institute, 9130 Jollyville Road, Suite 350, Austin

Citation: Failure to produce training course records at time of records audit. Previous allegation withdrawn: [25 TAC 295.62(b)(3)]

Smith, Jimmy U.

Date: April 18, 2002

Location: Super S Grocery, 1411 Bensdale, Pleasanton

Citation: Failure to follow resilient floor covering institute (RFCI) guidelines. [25 TAC 295.36(a)(4)(5)]

Tandem, Incorporated

Date: December 13, 2001

Location: Greenbriar, 13090 Murphy, Stafford

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Tetco, Incorporated

Date: November 9, 2001

Location: Mission Petroleum, 3707 Goodwin, Austin

Citation: Failure to provide a timely notification of asbestos related activities. [25 TAC 295.61(c) and 40 CFR Part 61, Subpart M, 61.145(b)]

Asbestos Enforcement (Continued)

THC-Houston, Incorporated dba Vencor, Incorporated

Date: October 25, November 28, and December 12, 2001

Location: Kindred Bay Area Hospital, 1004 Seymour, Pasadena

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(e)]

Triad Development Limited

Date: October 24, 2001

Location: On The Border Restaurant, 4320 West Waco Drive, Waco

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

University of Texas at El Paso

Date: July 14, 2000

Location: College of Health Sciences, 1101 North Campbell, El Paso

Citation: Failure to properly abate asbestos-containing building material (ACBM). [25 TAC 295.34(a) and 25 TAC 295.34(e)]

Willmott, Bryan

Date: December 18, 2001

Location: Vacant facility, 310 North Oak Avenue, Mineral Wells

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

The following entities have been issued a Default Order by the Texas Department of Health:

CenterAmerica Property Trust

Date: February 19, 2002

Location: Windsor Village Shopping Center Space No. 4, 5838 Westminster Drive, Austin

Citation: Failure to provide an amended notification – start date change. [25 TAC 295.61(d) and 40 CFR Part 61, Subpart M, 61.145(b)(3)(iv)(B)(1)]

Cox Communication West Texas, Incorporated

Date: September 24, 2001

Location: Cox Communications Building, 5800 West 45th, Amarillo

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

McCall, Lewis S.

Date: August 9, 2000

Location: Jack-in-the-Box, 5127 Bosque Boulevard, Waco

Citation: Failure to conduct a thorough asbestos inspection. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a)]

Rodriguez, Jose

Date: January 24, 2002

Location: Former Devine Motel, 511 North Teal, Devine

Citation: Failure to conduct a thorough asbestos inspection; Failure to provide notification of demolition. [25 TAC 295.34(c) and 40 CFR Part 61, Subpart M, 61.145(a); 25 TAC 295.61(a) and 40 CFR Part 61, Subpart M, 61.145(b)(1)]

UBA Environmental Services

Date: November 6, 2001

Location: UBA Environmental, 10998 Wilcrest Drive, No. 210, Houston

Citation: Failure to comply with an order issued by the Texas Department of Health. [25 TAC 295.69(c)(1)]

The Enforcement
orders are also
available on the
web at:

[www.tdh.state.tx.us/
beh/asbestos/
Enforcement.htm](http://www.tdh.state.tx.us/beh/asbestos/Enforcement.htm)

Useful Websites



**Becky Exner,
Enforcement Specialist**



Wondering how to find out who owns a property? If a company is incorporated in Texas? If the EPA has provided clarification on a topic? Or even the status of Project XL? Well, here is a list of Web Sites used by the Asbestos Program to not only help us do a better job, but provide information for you:

- <http://www.internets.com/stxproperty.htm> - verification of ownership information through county appraisal rolls;
- <http://ecpa.cpa.state.tx.us/coa/coaStart.html> - franchise tax information to see if a company exists and is still in business;
- <http://www.usps.com/> - locate a zip code or address;
- <http://www.reversephonedirectory.com/> - locate a business or person through phone number, address, or name;
- <http://cfpub.epa.gov/adi/> - EPA applicability onsite for those questions about applicability of residences, underground pipes, etc.;
- <http://www.capitol.state.tx.us/> - list of Texas Legislatures for both the House and Senate; and
- http://ci.fort-worth.tx.us/DEM/project_xl.htm - Project XL in Fort Worth, Texas.

Requesting Documents from TDH

If you need copies of any documents that are held by the Texas Department of Health (TDH), you may make a request at any time under the Public Information Act. All you need to do is send your written request for the information to the program that holds the records you are requesting. Requests are accepted via fax, e-mail, or standard mail. The request should include a detailed description of the documents or records you are requesting, your contact information, and a mailing address. After receiving your request, TDH will respond to the request within ten business days. Under certain circumstances, TDH may charge to provide documents to a requestor. In these cases, an estimate of charges or a billing form will be provided to the requestor by the required ten-day deadline.

For asbestos-related records, you may submit your request to:

**Alyson Vinsant, Open Records Coordinator
Toxic Substances Control Division
1100 West 49th Street
Austin, Texas 78756
Fax: 512-834-6644
alyson.vinsant@tdh.state.tx**

More information on open records requests including how to request records, the rights of the requestor, and the responsibilities of governmental bodies may also be found at www.tdh.state.tx.us/beh/asbestos under *Asbestos Program Info*.

**Texas Department of Health
Asbestos Programs Branch
1100 W. 49th Street
Austin, Texas 78756**

**PRSRT STD
U.S. POSTAGE PAID
AUSTIN, TEXAS
PERMIT NO. 28**

Recycled Paper

